

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ethan Waterman	Team: Squad #10	CCRB Case #: 202006194	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/12/2020 12:05 AM	Location of Incident: McCarren Park	Precinct: 94	18 Mo. SOL 3/12/2022	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 09/13/2020 9:00 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 09/13/2020 9:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. INS Rafael Mascol	00000	901927	PBBN
2. Officers			
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Gabriela Almonte	08527	963367	094 PCT
2. POM Christophe Spizuco	04181	961321	094 PCT
3. POM Asad Ullah	07269	963785	094 PCT
4. POF Christina Soranno	10285	969374	094 PCT
5. POM Matthew Morris	25606	969239	094 PCT
6. POM Md Ahammed	04231	951482	094 PCT
7. POF Elizabeth Castro	06524	960341	094 PCT
8. POM Mateusz Pusz	07942	969305	094 PCT
9. CPT Maria Hardell	00000	942949	DBBS
10. CPT Stephen Sperrazza	00000	939516	DBBN
11. SGT Leonardo Gomez	05216	930236	102 PCT
12. LT Robert Falcone	00000	948950	113 PCT
13. PO Jole Cummings	23946	967466	102 PCT
14. PO Robert Halupa	18993	957654	105 PCT
15. PO Hector Lugo	01919	962561	102 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
16. PO Michael Worrell	01718	949811	102 PCT
17. PO Robert Carlucci	10491	956494	113 PCT
18. PO Paul Mrabet	18284	968025	105 PCT
19. PO Emmanuel Jean	28815	967123	113 PCT
20. SGT Anthony Jelcic	01674	950634	100 PCT
21. PO Megan Mccloud	10360	966200	100 PCT
22. PO Daniel Henao	15119	966616	103 PCT
23. PO Alexander Lewis	27001	967164	103 PCT
24. PO Michael Higley	21283	963071	106 PCT
25. PO Michael Sheridan	31878	955478	044 PCT
26. LT Steven Degree	00000	943141	NARCBBX
27. PO Lilani Cometta	01926	965693	044 PCT
28. PO Nurul Siddiqui	17508	946250	113 PCT
29. PO Michael Mendoza	12033	949323	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer took photographs of individuals.	
B.INS Rafael Mascol	Force: Inspector Rafael Mascol used physical force against § 87(2)(b)	
C.INS Rafael Mascol	Force: Inspector Rafael Mascol used physical force against § 87(2)(b)	
D. Officers	Abuse: Officers interfered with individuals' use of recording devices.	
E. An officer	Force: An officer used physical force against § 87(2)(b)	
F. Officers	Force: Officers used physical force against § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H. An officer	Force: An officer used physical force against § 87(2)(b)	
I. Officers	Force: Officers used physical force against individuals.	

Case Summary

On September 13, 2020, § 87(2)(b) filed this complaint on the CCRB's website as a reporting non-witness regarding an incident involving the vigil for his deceased sister, § 87(2)(b). This case was originally assigned to Investigator Robert Bryan and was reassigned to Investigator Ethan Waterman on February 1, 2022.

On September 12, 2020, at approximately 12:05 a.m., a group of individuals were at McCarren Park in Brooklyn for § 87(2)(b) vigil. An officer allegedly took photographs of some of the vigil-goers (**Allegation A, Abuse of Authority: Photography/Videography**, § 87(2)(g) § 87(2)(b)). These vigil-goers lined up in the park and linked arms. Inspector Rafael Mascol of Patrol Borough Brooklyn North allegedly pushed § 87(2)(b) and § 87(2)(b) (**Allegations B and C, Force: Physical Force**, § 87(2)(g) § 87(2)(b)). Officers allegedly interfered with vigil-goers' cell phone recordings by shining their flashlights at them (**Allegation D, Abuse of Authority: Interference with Recording**, § 87(2)(g) § 87(2)(b)). Officers allegedly pushed § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and other individuals (**Allegations E, F, G, H, and I, Force: Physical Force**, § 87(2)(g) § 87(2)(b)).

No arrests or summonses resulted from this incident.

The investigation interviewed § 87(2)(b), § 87(2)(b), and § 87(2)(b) who were witnesses of this incident.

The investigation interviewed Captain Maria Hardell of the 94th Precinct and Police Officer Md Ahammed of the 94th Precinct as witnesses.

The investigation received body-worn camera (BWC) footage from the following officers: PO Ahammed, Police Officer Gabriela Almonte, Police Officer Robert Carlucci, Police Officer Elizabeth Castro, Police Officer Lilani Cometta, Police Officer Jole Cummings, Lieutenant Steven Degree, Lieutenant Robert Falcone, Sergeant Leonardo Gomez, Police Officer Robert Halupa, Police Officer Daniel Henao, Police Officer Michael Higley, Police Officer Emmanuel Jean, Sergeant Anthony Jelcic, Police Officer Alexander Lewis, Police Officer Hector Lugo, Police Officer Megan McCloud, Police Officer Michael Mendoza, Police Officer Matthew Morris, Police Officer Paul Mrabet, Police Officer Mateusz Pusz, Police Officer Michael Sheridan, Police Officer Nurul Siddiqui, Police Officer Christina Soranno, Captain Stephen Sperrazza, Police Officer Christopher Spizuco, Police Officer Asad Ullah, and Police Officer Michael Worrell (**BR 01-50**). The investigation also received footage from § 87(2)(b) and § 87(2)(b) (**BR 51-52, 113-114**). The relevant aspects of this video footage shall be discussed in further detail below.

This case was added to the sensitive case list on September 14, 2020 given the vigil's coverage on NY1, Gothamist, Brooklyn Paper, and Greenpointers (**BR 115-118**).

Findings and Recommendations

Allegation (B) Force: Inspector Rafael Mascol used physical force against § 87(2)(b)

Allegation (C) Force: Inspector Rafael Mascol used physical force against § 87(2)(b)

It was undisputed that Inspector Mascol walked past § 87(2)(b) and § 87(2)(b) while the two stood in a line of vigil-goers inside McCarren Park.

In their CCRB statement (**BR 53**), § 87(2)(b) said that Inspector Mascol, who appeared to be the commanding officer on the scene, approached two women who were standing with their bikes as part of the line of attendees facing the officers. § 87(2)(b) said that Inspector Mascol was trying to reach someone behind the barricade, even though there was no fighting or arguing going on in that area. Inspector Mascol moved the two women apart by putting his hands on their shoulders and started climbing over their bikes as one of them put her hand up and said, "Excuse me sir, please don't." Inspector Mascol shoved her to the side with one hand, causing her to stumble but not fall. Inspector Mascol could have gotten past the barricade by walking around the end of the barricade, which was 10 feet to his left, instead of climbing on top of it. As Inspector Mascol tried to bring his second leg over the bike barricade, he tripped and fell.

In her CCRB statement (**BR 54**), § 87(2)(b) said that Inspector Mascol approached the line of

attendees and, when he reached a point several people to the left of where § 87(2)(b) was standing, walked through the line by pushing two people on the line apart and stepping over their bikes. § 87(2)(b) described Inspector Mascol's actions as "deliberate" but not "aggressive."

In her CCRB interview (BR 55), § 87(2)(b) identified herself as one of the two women whom Inspector Mascol stepped past. § 87(2)(b) said that Inspector Mascol stepped directly over her bike without hesitation.

In her CCRB interview (BR 56), § 87(2)(b) identified herself as the second woman whom Inspector Mascol stepped past. § 87(2)(b) said that, while she was looking in her backpack for a Sharpie, Inspector Mascol stepped over the first bike line between § 87(2)(b) and § 87(2)(b) who stood to § 87(2)(b)'s right. He stepped over and between one of § 87(2)(b)'s bicycle wheels and one of § 87(2)(b)'s, which were touching, though § 87(2)(b) could not see which foot he stepped with first because she was still looking for a Sharpie. She had not been aware of Inspector Mascol before this moment. By stepping over the wheels, Inspector Mascol was "knocking the wheels around," which was how § 87(2)(b) first became aware of what he was doing. § 87(2)(b) and § 87(2)(b) said, "Whoa, whoa!" Inspector Mascol said something to the effect of "I'm not touching anyone. Don't touch me." He held his arms and hands close to his body, with his arms crossed over his torso and his hands tucked underneath the opposite arms. Inspector Mascol did not make physical contact with § 87(2)(b) and § 87(2)(b) was not sure if he made physical contact with § 87(2)(b) though he did touch both of their bicycles.

§ 87(2)(b) prepared and uploaded a video to his Instagram account (§ 87(2)(b)) regarding this incident (BR 52). The video shows a group of vigil-goers and police officers forming parallel lines inside McCarren Park between the 02:00 and 04:15 timestamps. At the 07:20 timestamp, Inspector Mascol approaches the line of vigil-goers and walks past them. It is unclear what physical contact he makes with the vigil-goers, if any, as only his upper torso is visible in the frame.

§ 87(2)(b) also prepared a cell phone video of this incident (BR 51), but the video does not capture Inspector Mascol walking through the line of vigil-goers.

§ 87(2)(b) was not present for this incident and based his statement on the aforementioned videos (BR 57).

The investigation located photographs of the vigil from the Twitter account § 87(2)(b) and determined that the owner of the account was an individual named § 87(2)(b) (BR 58-59). Ultimately, the investigation was unable to contact § 87(2)(b).

Seven BWC videos captured Inspector Mascol approaching and walking past the line of vigil-goers (BR 26, 28-30, 32, 33, 35). PO McCloud's BWC (BR 30) best shows him do so: at the 05:36 timestamp, Inspector Mascol steps between § 87(2)(b)'s and § 87(2)(b)'s bicycles without touching either of them. Inspector Mascol walks forth without falling.

In his CCRB interview (BR 60), Inspector Mascol said he was present at the vigil because the Operations Unit of Patrol Borough Brooklyn North had informed him of § 87(2)(b) vigil. Inspector Mascol said that he stepped over the bicycles and vigil-goers so he could speak to the organizer of the vigil. Inspector Mascol did not recall touching the vigil-goers he stepped between with his hands.

§ 87(2)(g)

Allegation (A) Abuse of Authority: An officer took photographs of individuals.

Allegation (D) Abuse of Authority: Officers interfered with individuals' use of recording devices.

Allegation (E) Force: An officer used physical force against § 87(2)(b)

Allegation (F) Force: Officers used physical force against § 87(2)(b)

Allegation (G) Force: An officer used physical force against § 87(2)(b)
Allegation (H) Force: An officer used physical force against § 87(2)(b)
Allegation (I) Force: Officers used physical force against individuals.

Known Facts and Descriptions

In her CCRB interview (**BR 61**), § 87(2)(b) said that before Inspector Mascol crossed the line of vigil-goers, as she stood with her boyfriend and two other protesters near the entrance to the park on Driggs Street, an approximately 5'10" tall uniformed white male officer in his 40s or 50s laughed at the vigil-goers and took photographs of them from across the street. She believed he was taking photographs because he held his phone horizontally towards the vigil-goers. This officer was talking to other officers, but she was not close enough to hear what was said.

In his CCRB interview (**BR 62**), § 87(2)(b) said that a few people, whose names § 87(2)(b) did not know, recorded part of the incident on their phones. Five or six officers were shining flashlights towards the vigil attendees and § 87(2)(b) believed they were trying to obscure these recordings. He could not describe the officers doing this other than being uniformed officers.

In her CCRB interview (**BR 54**), § 87(2)(b) said that when Inspector Mascol crossed the line of vigil-goers, other officers followed him and started pushing the attendees. § 87(2)(b) saw officers pushing civilians, though she could not describe these officers and civilians in any detail. She did not see any civilians pushing officers or putting their hands on officers in any way. Someone pushed § 87(2)(b) and she fell to the ground with her bike, but she could not say whether it was an officer or protester. When she got up, someone hit her in her right eye. She did not know what hit her in the eye, but in the opinion of her friend (a medical professional), it was probably a fist. She could not see who hit her. She fell to the ground again and, a minute or two later, got back up.

In her CCRB interview (**BR 55**), § 87(2)(b) said that once Inspector Mascol crossed the bike line, the other officers started swarming around and pushing and grabbing people. One the civilians who was grabbed on his arms was a black man with a red sweatshirt, but § 87(2)(b) could not recall what the officer who grabbed him look like. The man ended up breaking free of the officer's grasp and walking away. § 87(2)(b), the woman standing next to § 87(2)(b) was pushed by an officer § 87(2)(b) could not see who) and her bike fell on top of her. Officers grabbed people and stepped over vigil-goers who had fell, though she could not describe any of these officers other than to say they were male and in uniform. § 87(2)(b)'s bike was pulled from her, though she did not know if the person who pulled it from her was an officer, and "tossed" to the side. § 87(2)(b) was hit in the face, possibly with an elbow (though she did not know whose), her helmet went flying, and she fell to the ground. She did not recall if it was an officer who pushed her or what the person looked like.

In her CCRB interview (**BR 63**), § 87(2)(b) said that she had a blue bike and wore a t-shirt, black jeans, and a purple mask. She said that officers picked up bikes and pushed them into the vigil attendees. The only officers she could describe who did this were an approximately 5'7" tall uniformed South Asian male officer with short black hair and an approximately 5'10"-6'0" tall uniformed white male officer with light brown hair and a square jaw. These officers grabbed § 87(2)(b)'s bike and pushed it into her hard enough to make her fall over backwards with her bike on top of her. Later in the interview, she said she was not sure that it was these two officers who pushed her because she was looking elsewhere, but they were standing close to her, so she assumed it was them. The officers kept pushing other vigil attendees and several of them fell on top of § 87(2)(b) while she was on the ground. She managed to get to her feet and hold onto her bike before falling again when someone she could not see knocked into her from behind. The second time she fell, she accidentally fell face forward on top of another vigil attendee and pinned her beneath her body and her bike. When she got up, she saw the white male uniformed officer with the square jaw standing nearby, which led her to believe he had knocked her over, though she did not see him do this.

In her CCRB interview (**BR 56**), § 87(2)(b) said that once Inspector Mascol crossed the bike

line, about 40-50 other officers approached the line in a “V shape” with one officer at the head, though she could not recall how many there were or what most of the officer looked like, and “trampled” the vigil-goers. § 87(2)(b) was holding onto the frame of her bike when an officer picked up the bike, pulled it back, and then pushed her with it, which caused her to fall backwards into the bike of the person behind her, knocking over this other person’s bike as well. § 87(2)(b) described this officer as a uniformed, pale white male officer who wore a hat and appeared to be between his late 20s and early 40s. § 87(2)(b) landed with her back on the bike of the person behind her. This white male officer in the hat pushed hard on § 87(2)(b)’s bike to keep her down and § 87(2)(b) pushed back with the help of the woman who was pinned down underneath her and was pushing § 87(2)(b) from behind. At the same time, other officers stepped over and onto the wheel of § 87(2)(b) Bike’s to her left, pinning her down even more § 87(2)(b) said, “Please stop. You’re hurting me. Why are you doing this?” § 87(2)(b) did not provide a description of her attire.

Per § 87(2)(b)’s video (**BR 52**), after Inspector Mascol steps past the bike line, officers advance towards the line of vigil-goers at 07:28. Several unidentified officers push bicycles and vigil-goers until 7:40.

Per § 87(2)(b)’s video (**BR 51**), Inspector Mascol approaches the line of vigil-goers 01:41. At the same time, an officer shines his flashlight at § 87(2)(b). The line of officers approaches the line of vigil-goers thereafter. By the 01:55 timestamp, it is apparent that several officers push the vigil-goers and their bicycles – § 87(2)(g)

§ 87(2)(g). At the 02:44 timestamp, a short South Asian officer in uniform pushes a vigil-goer – who wears a white shirt and a black backpack while holding a skateboard in front of them – back with both hands. It is unclear if the vigil-goer falls to the ground.

BWC

The investigation received 39 BWC videos from 28 officers that depicted this incident. The investigation received these videos in two tranches.

On September 29, 2020, the investigation received 10 videos from the following eight officers: PO Almonte (2), PO Spizuco (2), PO Ullah, PO Soranno, PO Morris, PO Ahammed, PO Castro, and PO Pusz. On the same date, the Legal Bureau confirmed that Inspector Mascol was not equipped with a BWC.

The investigation determined that PO Almonte’s and PO Spizuco’s BWC activations (**BR 01-04**) captured the incident prior to Inspector Mascol stepping across the bike line set by the vigil-goers and officers following thereafter. In PO Almonte’s and PO Spizuco’s second activations, it is apparent that officers shine lights in the direction of a line of vigil-goers. § 87(2)(g)

§ 87(2)(g). At no point in any of PO Almonte’s or PO Spizuco’s BWC activations do officers take photographs or video of the vigil-goers.

The investigation determined that PO Soranno’s and PO Ullah’s BWC activations (**BR 05-06**) captured the incident after Inspector Mascol and officers stepped across the bike line and pushed vigil-goers. § 87(2)(g). At no point in their BWC activations do officers take photographs or video of the vigil-goers.

The investigation determined, per their BWCs (**BR 07-10**), that PO Morris, PO Ahammed, PO Castro, and PO Pusz arrived at the scene after Inspector Mascol and officers stepped across the bike line and vigil-goers. § 87(2)(g)

At no point in these BWC activations do officers take photographs or video of the vigil-goers.

On January 25, 2022, the investigation sent a second request for BWC. On February 1, 2022, the investigation received 29 videos from the following 20 officers: Captain Sperrazza, Sgt. Gomez (2), Lieutenant Falcone (2), PO Cummings, PO Halupa, PO Lugo, PO Worrell, PO Carlucci (2), PO Mrabet, PO Jean, Sgt. Jelcic (2), PO McCloud (2), PO Henao, PO Lewis, PO Higley (2), PO Sheridan (2), Lieutenant Degree (3), PO Cometta, PO Siddiqui, and PO Mendoza. On the same

date, the Legal Bureau confirmed that Captain Hardell did not have any responsive footage regarding this incident.

The investigation determined that 14 of these BWC videos captured officers responding to an altercation at the corner of Driggs Avenue and North 12th Street in the minutes prior to the formation of the lines of vigil-goers and officers inside McCarren Park (**BR 21-25, BR 40-48**). At no point in these activations do officers take photographs or video of the vigil-goers.

The investigation determined that two of these BWC videos only captured officers and vigil-goers forming parallel lines prior to Inspector Mascol and officers stepping across the bike line (**BR 27, 31**). At no point in these activations do officers take photographs or video of the vigil-goers.

The investigation determined that five of these BWC videos only captured the incident after Inspector Mascol and officers stepped across the bike line and pushed vigil-goers (**BR 36-39, 49**). At no point in these activations do officers take photographs or video of the vigil-goers.

Ultimately, the investigation determined that eight BWC videos captured the moment when Inspector Mascol stepped over the bike line and officers' response thereafter (**BR 26, 28-30, 32-35**). Of these eight, only three captured any use of force. PO Carlucci pushes a bicycle and the person holding the bicycle at 06:43 of his second BWC (**BR 28**). Given the lighting conditions and the vantage point of PO Carlucci's BWC, the victim of this push is not depicted. Sgt. Jelcic pushes a bicycle and the light-skinned male holding the bicycle at the 7:23 timestamp of his second BWC (**BR 29**). PO McCloud pushes bicycles aside at the 05:48 timestamp of her second BWC (**BR 30**).

§ 87(2)(g)

NYPD Documents Reviewed

The investigation requested and received resource recap logs for the third tour of September 11, 2020 and the first tour of September 12, 2020 in the 94th Precinct (**BR 64-65**). Only one EVENT corresponded with the time and incident location.

The investigation requested and received the communications disk for the corresponding EVENT (**BR 66-68**). The EVENT was a call for assistance from the 94th Precinct commanding officer at McCarren Park. The only units listed as arriving on-scene are 94th Precinct Sector A and 94th Precinct Violence Reduction.

In total, the investigation requested and received memo book entries from 32 officers (**BR 69-80**), five of which – those from PO Bueno, PO Dalto, PO Marchello PO Ferdous, and PO Wikira (all of the 94th Precinct) – were deemed irrelevant. The remaining 27 memo book entries came from the officers who prepared BWC footage regarding this incident, excepting Captain Sperrazza. The investigation determined that the following 19 officers were assigned to a detail, a detail which Lieutenant Falcone of the 113th Precinct labeled as “Mobile field force detail” in his memo book (**BR 80**): PO Lewis of the 103rd Precinct, Sgt. Jelcic of the 100th Precinct, PO Henao of the 103rd Precinct, PO Jean of the 113th Precinct, PO Lugo of the 102nd Precinct, PO Cummings of the 102nd Precinct, Sgt. Gomez of the 102nd Precinct, PO Cometta of the 44th Precinct, PO McCloud of the 100th Precinct, PO Higley of the 106th Precinct, PO Mendoza of the 44th Precinct, PO Sheridan of the 44th Precinct, PO Worrell of the 102nd Precinct, PO Siddiqui of the 113th Precinct, PO Mrabet of the 105th Precinct, PO Carlucci of the 113th Precinct, the aforementioned Lieutenant Falcone, PO Halupa of the 105th Precinct, and Lieutenant Degree (command unknown). The remaining eight officers – PO Ahammed, PO Morris, PO Castro, PO Pusz, PO Soranno, PO Ullah, PO Almonte, and PO Spizuco – had assignments at the 94th Precinct (**BR 69-76**).

The investigation twice requested detail rosters from Patrol Borough Brooklyn North, and

twice the Patrol Borough denied the existence of any detail rosters being created regarding this incident on August 3, 2021 and February 25, 2022 (**BR 81-82**).

The investigation requested unusual occurrence reports from Patrol Borough Brooklyn North and the 94th Precinct, both times receiving negative results on August 3, 2021 and August 25, 2021, respectively (**BR 81, 83**).

On July 23, 2021, the investigation requested all archived TARU footage regarding this incident and received negative results on August 10, 2021 (**BR 84**).

On October 6, 2020, the investigation requested all TRIs prepared by Inspector Mascol regarding this incident. On October 28, 2020, the investigation received negative results for all TRIs prepared regarding § 87(2)(b) and § 87(2)(b) (**BR 85-86**).

On January 25, 2022, the investigation requested all TRIs prepared by PO Ahammed, PO Almonte, PO Bueno, PO Castro, PO Dalto, PO Ferdous, Captain Hardell, PO Marchello, Inspector Mascol, PO Morris, PO Pusz, PO Soranno, PO Spizuco, PO Ullah, and PO Wikira. On February 2, 2022, the investigation received negative results for TRIs prepared by these officers (**BR 87**).

The investigation requested and received summons logs from the 94th Precinct, Police Service Area 1, and the 88th Precinct (**BR 88-90**). No summonses corresponded with this incident.

The investigation queried the NYPD's Booking Arraignment Disposition System for all arrests conducted in the confines of the 94th Precinct on September 11, 2020 and September 12, 2020 and received negative results for any arrests effected regarding this incident (**BR 91**).

The investigation reviewed the officer photographs of all 28 officers who activated their BWCs during this incident § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Concurrent Investigations

There are no known concurrent investigations into any complaints regarding this incident. On March 7, 2022, Sergeant Ahmed Khan of the Legal Bureau confirmed that the NYPD conducted no investigation regarding this incident.

Ranking Officers

The investigation determined that Inspector Mascol was the highest-ranking officer during this incident.

The investigation also identified Captain Hardell as a ranking officer present on-scene during this incident, and the details of her interview are discussed in further detail below.

Per BWC results, the investigation identified Captain Sperrazza, Lieutenant Degree, and Lieutenant Falcone to be ranking officers present on-scene § 87(2)(g)

§ 87(2)(g)

Officers Interviewed

As Inspector Mascol was the highest-ranking officer and a subject in **Allegations B and C**, the investigation interviewed him (**BR 60**). Inspector Mascol said that he believed most of the officers were from Patrol Brooklyn Borough North, but he did not know what precinct all of them were from. He did not recall the names of any other officers who were present. Inspector Mascol estimated that approximately 30 officers were present. Inspector Mascol's instructions to his officers were to stay away from the vigil-goers and vigil participants as long as they remained peaceful and orderly. Inspector Mascol recalled vigil-goers forming a line with their bikes, but before showing video of the incident, he did not recall any other details. Inspector Mascol ordered officers to create their own line about 40-50 feet away, facing the vigil-goers. Inspector Mascol did not give any orders or make any statements about using force to make the vigil-goers disperse but had previously requested that the vigil-goers disperse. Inspector Mascol did not see any officers use a hand strike or strike anyone with an elbow and did not recall any uses of force by officers against

civilians apart from what he was shown in the videos. Inspector Mascol did not recall seeing any officers taking photographs or taking videos with anything other than their BWCs. Initially, he did not recall officers shining flashlights at vigil-goers, but the cell phone and BWC videos he was shown refreshed his memory. Inspector Mascol did not recall seeing any officers interfering with the recording devices of civilians.

As Captain Hardell was identified as one of the high-ranking officers present during this incident, the investigation interviewed her (**BR 92**). Captain Hardell was unsure if she was the commanding officer of the 94th Precinct or assigned to a Mobile Field Force. Captain Hardell did not recall seeing any officers push the vigil-goers or their bikes and did not ever direct officers to do so. Captain Hardell did not recall if any officers shined their flashlights into the line and did not direct officers to do so. Captain Hardell did not see any officers taking any film or photographs of the vigil-goers. Upon review of § 87(2)(b)'s video, Captain Hardell said that she did not recognize the south Asian officer who had pushed the vigil-goer at the 02:44 timestamp.

As PO Ahammed was present during this incident, the investigation interviewed him (**BR 93**). PO Ahammed said that he did not see any physical altercation between officers and vigil-goers. PO Ahammed did not have any physical interaction with any vigil-goers. PO Ahammed did not recall seeing anyone on the ground. PO Ahammed saw bicycles but never saw any people underneath bicycles. PO Ahammed did not see anyone using flashlights. PO Ahammed did not use a flashlight. PO Ahammed did not record anyone. PO Ahammed did not see anyone record the vigil-goers. PO Ahammed did not recall seeing anyone take photographs of the vigil-goers. The investigation presented PO Ahammed with the § 87(2)(b) Instagram footage and his own BWC – PO Ahammed said that he was not present at the incident prior to his activating his BWC, and said he believed that the Instagram video depicted what happened before his arrival.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**BR 94**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 95**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 96**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 97**).
- § 87(2)(b) has been a party to two CCRB complaints and has been named as a victim in one allegation (**BR 98**).
 - § 87(2)(b)

○ § 87(2)(g), § 87(2)(b)

- This is the first complaint to which § 87(2)(b) has been a party (**BR 99**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 100**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 101**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 102**).
- Inspector Mascol has been a member of service for 28 years and has been the subject of eight allegations in seven previous cases, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- As of March 9, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**BR 103**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (**BR 104**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 105**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 106**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 107**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 108**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 109**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 110**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 111**).
- According to the OCA, § 87(2)(b) has no history of criminal convictions in New York City (**BR 112**).

Squad: 10

Investigator:	<u>Ethan C. Waterman</u>	<u>Inv. Ethan Waterman</u>	<u>03/14/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>03/14/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date